



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

June 28, 1995

Ms. Sheree L. Rabe
Assistant City Attorney
City of Georgetown
P.O. Box 409
Georgetown, Texas 78627-0409

OR95-532

Dear Ms. Rabe:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 31090.

The City of Georgetown (the "city") received an open records request for a copy of the offense and arrest report on a certain individual who, at the age of seventeen, was arrested and charged for the burglary of several motor vehicles. You inform this office that "the case has been resolved" and that the Williamson County Attorney's Office did not treat the individual "as a juvenile" because of his age. You contend that the records at issue are confidential under section 51.14(d) of the Family Code and therefore must be withheld from the public pursuant to section 552.101 of the Government Code.¹

Section 51.14(d) of the Family Code, which deals with juvenile records held by law-enforcement agencies, provides in pertinent part:

Except as provided by Article 15.27, Code of Criminal Procedure, and except for files and records relating to a charge for which a child is transferred under Section 54.02 of this code to a criminal court for prosecution, the law-enforcement files and records

¹Section 552.101 of the Government Code protects "information considered to be confidential by law, either constitutional, statutory, or by judicial decision."

[of a child] are not open to public inspection nor may their contents be disclosed to the public, but inspection of the files and records is permitted by:

- (1) a juvenile court having the child before it in any proceeding;
- (2) an attorney for a party to the proceeding; and
- (3) law-enforcement officers when necessary for the discharge of their official duties.

Section 51.14(d) lists the persons or entities who may gain access to a child's law-enforcement records; this section does not grant the law-enforcement officials controlling these documents discretion as to who else may see them. The individual requesting the records at issue does not appear to be among those individuals listed above as having a right of access to juvenile records.

This does not, however, end our discussion of the requestor's right of access to these records. Section 51.14(d) pertains only to law-enforcement agencies' records pertaining to a "child." Section 51.02(1) of the Family Code defines the term "child" as

- (A) ten years of age or older and under 17 years of age; or
- (B) seventeen years of age or older and under 18 years of age who is alleged or found to have engaged in *delinquent conduct or conduct indicating a need for supervision* as a result of acts committed *before* becoming 17 years of age. [Emphasis added.]

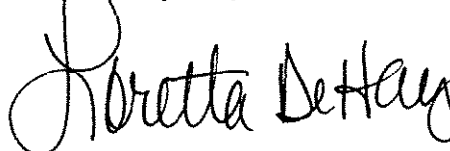
We conclude that section 51.14(d) does not apply to the requested records because the individual in question allegedly committed the burglary *after* his seventeenth birthday. The arrested individual therefore was not a "child" at the time he allegedly committed the burglary. The records at issue are not those of a "child;" consequently, section 51.14(d) is inapplicable to the records at issue.

You have raised none of the act's other exceptions to required public disclosure with regard to these records. Accordingly, the city must release these records² to the requestor.

²We note that among the records you submitted to this office are records pertaining to other individuals who also participated in the burglaries. It is not clear to this office whether the requestor also wishes to obtain copies of those other records. If he does, the city must also release those records for the same reasons discussed above.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink that reads "Loretta DeHay". The signature is written in a cursive, flowing style.

Loretta R. DeHay
Assistant Attorney General
Open Government Section

LRD/RWP/rho

Ref.: ID# 31090

Enclosures: Submitted documents

cc: Mr. Lewis M. King
203 Commerce Boulevard
Round Rock, Texas 78666
(w/o enclosures)